

# Senate File 233 - Introduced

SENATE FILE 233

BY HATCH, DOTZLER, MATHIS,  
SODDERS, and BEALL

## A BILL FOR

1 An Act concerning public safety in schools and communities  
2 including certain provisions relating to firearms and mental  
3 health, providing penalties, and including effective date  
4 and applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **228.6A Mandatory disclosure —**  
2 **protection of human health and safety.**

3     1. Notwithstanding any other law to the contrary, if a  
4 mental health professional, while providing mental health  
5 treatment to a person, determines that such person is likely  
6 to engage in conduct that would result in serious harm to  
7 the person's self or others, the mental health professional  
8 shall report such information, as soon as practicable, to the  
9 department of public safety. For purposes of this section,  
10 "*mental health professional*" means the same as defined in  
11 section 228.1.

12     2. A mental health professional who discloses information  
13 pursuant to this section, acting reasonably and in good  
14 faith, shall be immune with respect to all civil or criminal  
15 penalties, claims, or actions of any kind.

16     Sec. 2. NEW SECTION.   **279.9C School safety plan.**

17     Each board of directors of a school district shall develop  
18 and implement a comprehensive emergency management plan that  
19 addresses school safety, security procedures, and emergency  
20 guidelines relating to school shootings, assaults, and other  
21 incidences that threaten the safety and security of school  
22 students and school employees. The emergency management plan  
23 shall include training procedures for teachers and other school  
24 employees and students and shall also include a plan to develop  
25 and implement school-community partnerships, including mental  
26 health service partnerships, in the local community.

27     Sec. 3. Section 707.2, Code 2013, is amended by adding the  
28 following new subsection:

29     NEW SUBSECTION.   7. The person kills a first responder who  
30 the person knows or has reason to know is a first responder,  
31 while the first responder is acting in the course of the first  
32 responder's official duties. For purposes of this subsection,  
33 "*first responder*" means state and local law enforcement  
34 personnel, fire department personnel, volunteer fire fighter,  
35 reserve peace officer, volunteer ambulance driver, or emergency

1 medical care provider as defined in section 147A.1.

2     Sec. 4. NEW SECTION.   **724.32 Sale or transfer of firearms —**  
3 **criminal history background check.**

4     1. A person shall not sell or transfer a firearm to another  
5 person without receiving verification from a federally licensed  
6 firearms dealer that information on the prospective purchaser  
7 or transferee has been submitted to the federal bureau of  
8 investigation for a criminal history background check and  
9 that a final determination has been received by the federal  
10 bureau of investigation that the prospective purchaser or  
11 transferee is not prohibited under either state or federal law  
12 from possessing a firearm. A criminal history background check  
13 conducted under this section shall include an inquiry of the  
14 national instant criminal background check system maintained by  
15 the federal bureau of investigation.

16     2. A person who sells or transfers a firearm in violation of  
17 this section commits an aggravated misdemeanor.

18     3. *a.* This section does not apply to the sale or transfer  
19 of a firearm between immediate family members.

20     *b.* This section does not apply to a person who possesses  
21 a permit to carry weapons or a permit to acquire pistols or  
22 revolvers.

23     Sec. 5. **EFFECTIVE UPON ENACTMENT.** The section of this Act  
24 enacting section 724.32, being deemed of immediate importance,  
25 takes effect upon enactment.

26     Sec. 6. **APPLICABILITY.** The section of this Act enacting  
27 section 724.32 applies to any firearm sold or transferred on or  
28 after the effective date of this Act.

29                                   **EXPLANATION**

30     This bill concerns public safety in schools and communities  
31 and includes certain provisions relating to firearms and mental  
32 health, provides penalties, and includes effective date and  
33 applicability provisions.

34     **MENTAL HEALTH PROFESSIONALS — MANDATORY REPORTING.** The  
35 bill provides that, notwithstanding any other law to the

1 contrary, when a mental health professional, while providing  
2 mental health treatment to a person, determines that such  
3 person is likely to engage in conduct that would result  
4 in serious harm to the person's self or others, the mental  
5 health professional shall report such information, as soon as  
6 practicable, to the department of public safety. A mental  
7 health professional who discloses information pursuant to this  
8 section, acting reasonably and in good faith, shall be immune  
9 with respect to all civil or criminal penalties, claims, or  
10 actions of any kind.

11 For purposes of the bill, "mental health professional"  
12 means an individual who holds at least a master's degree in a  
13 mental health field, including but not limited to psychology,  
14 counseling and guidance, nursing, and social work, or is an  
15 advanced registered nurse practitioner, a physician assistant,  
16 or a physician and surgeon or an osteopathic physician and  
17 surgeon, holds a current Iowa license if practicing in a  
18 field covered by an Iowa licensure law, and has at least  
19 two years of post-degree clinical experience, supervised by  
20 another mental health professional, in assessing mental health  
21 needs and problems and in providing appropriate mental health  
22 services; or is an individual who holds a current Iowa license  
23 if practicing in a field covered by an Iowa licensure law and  
24 is a psychiatrist, an advanced registered nurse practitioner  
25 who holds a national certification in psychiatric mental health  
26 care registered by the board of nursing, a physician assistant  
27 practicing under the supervision of a psychiatrist, or an  
28 individual who holds a doctorate degree in psychology and is  
29 licensed by the board of psychology (Code section 228.1).

30 EMERGENCY MANAGEMENT PLANS. The bill requires each board  
31 of directors of a school district to develop and implement  
32 a comprehensive emergency management plan that addresses  
33 school safety, security procedures, and emergency guidelines  
34 relating to school shootings, assaults, and other incidences  
35 that threaten the safety and security of school students and

1 school employees. The emergency management plan shall include  
2 training procedures for teachers and other school employees and  
3 students and shall also include a plan to develop and implement  
4 school-community partnerships, including mental health service  
5 partnerships, in the local community.

6 MANDATORY LIFE SENTENCE — MURDER OF FIRST RESPONDERS. The  
7 bill provides that a person who kills a first responder who  
8 the person knows or has reason to know is a first responder,  
9 while the first responder is acting in the course of the  
10 first responder's official duties, is guilty of a class "A"  
11 felony. A class "A" felony is punishable by confinement for  
12 life without possibility of parole. For purposes of the  
13 bill, "first responder" means state and local law enforcement  
14 personnel, fire department personnel, volunteer fire fighter,  
15 reserve peace officer, volunteer ambulance driver, or emergency  
16 medical care provider.

17 SALE OR TRANSFER OF FIREARMS — CRIMINAL HISTORY BACKGROUND  
18 CHECKS. The bill prohibits a person from selling or  
19 transferring a firearm to another person without receiving  
20 verification from a federally licensed firearms dealer that  
21 information on the prospective purchaser or transferee has been  
22 submitted to the federal bureau of investigation for a criminal  
23 history background check and that a final determination has  
24 been received by the federal bureau of investigation that the  
25 prospective purchaser or transferee is not prohibited under  
26 either state or federal law from possessing a firearm. A  
27 criminal history background check under the bill includes an  
28 inquiry of the national instant criminal background check  
29 system maintained by the federal bureau of investigation.  
30 A person who sells or transfers a firearm in violation of  
31 the bill commits an aggravated misdemeanor, punishable by  
32 confinement for no more than two years and a fine of at least  
33 \$625 but not more than \$6,250. This provision in the bill  
34 does not apply to the sale or transfer of a firearm between  
35 immediate family members or to a person who possesses a permit

1 to carry weapons or a permit to acquire a pistol or revolver.

2 The section of the bill relating to criminal history

3 background checks takes effect upon enactment and applies to

4 any firearm sold or transferred on or after the effective date.